UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,276	10/14/2003	Peter I. Majewicz	100204307-1	4923

22879 7590 12/23/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
BAKER, CHARLOTTE M	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
12/23/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/685,276	MAJEWICZ, PETER I.	
	Examiner	Art Unit	
	CHARLOTTE M. BAKER	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15 and 16* is/are allowed.

6)☒ Claim(s) *1-14 and 17-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/14/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claimed invention is directed to non-statutory subject matter. Claims 17-34 contain non-statutory subject matter because Applicant's definition of a computer-readable medium includes electromagnetic media which is non-statutory because no requisite functionality is present to satisfy the practical application element. In addition, Applicant has amended the Specification at par. 51 to remove "transmit", but in that same par., "a computer/processor can fetch or obtain logic from the computer-readable medium", so a transmission of a signal is still taking place. In this case, the signal is an electromagnetic carrier signal, which falls under a non-statutory category under 35 U.S.C. 101.

4. Claims 1-2, 4-6 and 8-11 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent[1] and recent Federal Circuit decisions[2] indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a

[1] *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).
[2] *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3, 5, 7, 9, 12-14, 17, 19, 21, 23, 25, 28-30, 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 2004/0135790 A1) in view of Chan et al. (hereinafter Chan) (6,262,812).

Regarding claim 1: The structural elements of apparatus claim 17 perform all of the steps of method claim 1. Thus, claim 1 is rejected for the same reasons discussed in the rejection of claim 17.

Regarding claim 3: Moore in view of Chan satisfy all the elements of claim 1. The structural elements of apparatus claim 19 perform all of the steps of method claim 3. Thus, claim 3 is rejected for the same reasons discussed in the rejection of claim 19.

Regarding claim 5: The structural elements of apparatus claim 21 perform all of the steps of method claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 21.

Regarding claim 7: Moore in view of Chan satisfy all the elements of claim 5. The structural elements of apparatus claim 23 perform all of the steps of method claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 23.

Regarding claim 9: The structural elements of apparatus claim 25 perform all of the steps of method claim 9. Thus, claim 9 is rejected for the same reasons discussed in the rejection of claim 25.

Regarding claim 12: The structural elements of apparatus claim 28 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 28.

Regarding claim 13: The structural elements of apparatus claim 29 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 29.

Regarding claim 14: Moore in view of Chan satisfy all the elements of claim 13. The structural elements of apparatus claim 30 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 30.

Regarding claim 17: Moore discloses rendering a color image (Fig. 8, displaying 814 the image; displaying 814 the image can include displaying on a computer display, such as a CRT, LCD or other video device, par. 39); in response to a user selecting an adjustment to a first color in the image (this selection or association indicates to the image-processing software 210 a color or chrominance the operator expects or prefers for the selected region 218, par. 28); to the first color in the image (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a

chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34); and rendering (corrected image can be rendered, par. 35) an adjusted color image reflecting the adjustment made to the first color in the image (corrected colors 518 result in a corrected image 610, par. 35).

Moore fails to specifically address in response to a user selecting an adjustment to a first color in the image, making a perceptually uniform adjustment to the first color in the image.

Chan discloses in response to a user selecting an adjustment to a first color in the image (as taught by Moore above, this selection or association indicates to the image-processing software 210 a color or chrominance the operator expects or prefers for the selected region 218, par. 28), making a perceptually uniform adjustment (Chan, a perceptually uniform color space is used so that user adjustments to an image can be made in a **perceptually uniform manner**, col. 5, ln. 26-28) to the first color in the image (as taught by Moore above, this selection or association indicates to the image-processing software 210 a color or chrominance the operator expects or prefers for the selected region 218, par. 28).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in response to a user selecting an adjustment to a first color in the image, making a perceptually uniform adjustment to the first color in the image in order to produce a result that is more linear and predictable by providing an image adjustment that is perceptually linear as taught by Chan (col. 1, ln. 16-34).

Regarding claim 19: Moore in view of Chan satisfy all the elements of claim 17. Moore further discloses instructions for printing the color image (par. 38, displaying 814 the image; Fig.

8, displaying 814 the image; displaying 814 the image can include displaying on a computer display, such as a CRT, LCD or other video device, par. 39) and printing the adjusted color image (corrected image 610 can be rendered by a rendering device, par. 35).

Regarding claim 21: Moore discloses rendering a color image (Fig. 8, displaying 814 the image; displaying 814 the image can include displaying on a computer display, such as a CRT, LCD or other video device, par. 39); displaying a palette of memory colors appearing in the image (displaying a palette 822 of standard memory colors, par. 40); displaying a menu of memory color adjustments (select a standard color from a displayed palette in a pull down menu, dialog box or other choice presentation scheme, par. 41) (memory color selector 924, par. 49); in response to a user selecting an adjustment to a first memory color in the image (the color cast calculator 926 calculator receives memory color selection from the memory color selector 924, par. 50); to the first memory color in the image (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34) (color information is transformed into L*a*b* color space, par. 50); and rendering an adjusted color image reflecting the adjustment made to the first memory color in the image (a system operator can review the output image on the display and verify that the color cast has been properly adjusted, par. 54).

Moore fails to specifically address in response to a user selecting an adjustment to a first memory color in the image, making a perceptually uniform adjustment to the first memory color in the image.

Chan discloses in response to a user selecting an adjustment to a first memory color in the image (as taught by Moore above, the color cast calculator 926 calculator receives memory color selection from the memory color selector 924, par. 50), making a perceptually uniform adjustment (Chan, a perceptually uniform color space is used so that user adjustments to an image can be made in a **perceptually uniform manner**, col. 5, ln. 26-28) to the first memory color in the image (as taught by Moore above, a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34) (color information is transformed into L*a*b* color space, par. 50).

Regarding claim 23: Moore in view of Chan satisfy all the elements of claim 21. Arguments analogous to those stated in the rejection of claim 19 are applicable.

Regarding claim 25: Arguments analogous to those stated in the rejection of claim 21 are applicable.

Regarding claim 28: Arguments analogous to those stated in the rejection of claim 21 are applicable. In addition, Moore discloses printing a color image (par. 38, displaying 814 the image; a printed version of the image can be considered a display of the image, par. 39); printing an adjusted color image reflecting the adjustment made to the selected memory color (system operator can review the output image…rendering device can be a print engine, par. 54).

Regarding claim 29: Moore discloses printing a color image (par. 38, displaying 814 the image; a printed version of the image can be considered a display of the image, par. 39); prompting a user to select a memory color appearing in the image (displaying a palette 822 of standard memory colors, par. 40); prompting the user to select an adjustment to the selected memory color (select a standard color from a displayed palette in a pull down menu, dialog box or other choice presentation scheme, par. 41) (memory color selector 924, par. 49); in response to the user selecting a memory color identifying the selected memory color (select a standard color from a displayed palette in a pull down menu, dialog box or other choice presentation scheme, par. 41) (memory color selector 924, par. 49) (color information is transformed into L*a*b* color space, par. 50); in response to the user selecting an adjustment to the selected memory color, adjusting the identified memory color (color information is transformed into L*a*b* color space, par. 50); transforming the adjusted memory color (color information is transformed into L*a*b* color space, par. 50); to a color in a printer color modeling space (color cast corrector 930 transforms the input image information into an image description based on the convenient color space, par. 53)(color cast corrector 930 produces an output image 950, par. 54); and printing an adjusted color image reflecting the adjustment made to the selected memory color (system operator can review the output image…rendering device can be a print engine, par. 54).

Moore fails to specifically address in response to the user selecting an adjustment to the selected memory color, identifying the selected memory color in a perceptually uniform color modeling space; in response to the user selecting a memory color, identifying the selected

memory color in the perceptually uniform color modeling space; transforming the adjusted memory color in the perceptually uniform color modeling space.

Chan discloses in response to the user selecting an adjustment to the selected memory color, identifying the selected memory color (as taught by Moore above)(select a standard color from a displayed palette in a pull down menu, dialog box or other choice presentation scheme, par. 41) (memory color selector 924, par. 49) (color information is transformed into L*a*b* color space, par. 50) in a perceptually uniform color modeling space (Chan, col. 5, ln. 26-28, a perceptually uniform color space is used so that the user adjustments to an image can be made in a perceptually uniform manner); in response to the user selecting a memory color, identifying the selected memory color in the perceptually uniform color modeling space (Chan, col. 5, ln. 26-28, a perceptually uniform color space is used so that the user adjustments to an image can be made in a perceptually uniform manner); transforming the adjusted memory color (color information is transformed into L*a*b* color space, par. 50) in the perceptually uniform color modeling space (Chan, col. 5, ln. 26-28, a perceptually uniform color space is used so that the user adjustments to an image can be made in a perceptually uniform manner).

Regarding claim 30: Moore in view of Chan satisfy all the elements of claim 29. Moore further discloses prompting the user to select the color image (Fig. 8, selecting a portion of the image 818 related with a memory color, par. 38) and printing the selected color image (par. 38, displaying 814 the image; displaying 814 the image can include a printed version of the image, par. 39).

Regarding claim 33: Moore discloses a color image (Fig. 2, image 110); a palette of memory colors appearing in the image (Fig. 3, memory color palette 310); controls for adjusting a color on the palette (color palette selection tool 318, par. 28); to the color image corresponding to the adjustment controls (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34).

Moore fails to specifically address and programming for making perceptually uniform adjustments to the color image corresponding to the adjustment controls.

Chan discloses and programming for making perceptually uniform adjustments (Chan, determined empirically by the system designers and is prestored in the system...is set so that the adjustment color space values are adjusted in a desired manner, e.g., a perceptually uniform manner, for a given range of user adjust values, col. 5, ln. 53-61) to the color image corresponding to the adjustment controls (as taught by Moore above, a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34).

Regarding claim 34: Moore in view of Chan satisfy all the elements of claim 33. Arguments analogous to those stated in the rejection of claim 17 are applicable.

Regarding claim 35: Arguments analogous to those stated in the rejection of claim 33 are applicable. In addition, Moore discloses a print engine (xerographic print engine, par. 54); a user interface (memory color selector 924, par. 49); and a controller operatively coupled to the print engine and the user interface (xerographic print engines are known to include a user, a developer and an imaging member, par. 54), the controller having a processor and a memory (Fig. 9, image processing system 910) storing a color image (image processing system 910 contains image storage 934, par. 45 and par. 54).

Regarding claim 36: Moore in view of Chan satisfy all the elements of claim 35. Arguments analogous to those stated in the rejection of claim 28 are applicable.

Regarding claim 37: Moore in view of Chan satisfy all the elements of claim 36. Moore further discloses displaying the palette of memory colors on the user interface (Fig. 3, memory color palette 310) and displaying controls for adjusting a color on the user interface (color palette selection tool 318, par. 28).

Regarding claim 38: Moore discloses a computer (Fig. 9, image processing system 910) having a processor (image processing) and a memory (Fig. 9, image storage 934) storing a color image (output image can be stored by image storage 934, par. 54) , a palette of memory colors appearing in the image (Fig. 3, memory color palette 310) and controls for adjusting a color on the palette (color palette selection tool 318, par. 28) ; and a printer (Fig. 9, rendering device 938) operatively coupled to the computer (Fig. 9, image processing system 910), the printer comprising a print engine (xerographic print engine, par. 54) and a controller (Fig. 9, color cast corrector 930) operatively coupled to the print engine (xerographic print engine, par. 54), the

controller (Fig. 9, color cast corrector 930) having a processor and a memory; to the color image corresponding to the adjustment controls on the computer (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34) (color information is transformed into L*a*b* color space, par. 50)(verify proper adjustment has occurred, par. 54).

Moore fails to specifically address and a printer operatively coupled to the computer, the printer comprising a print engine and a controller operatively coupled to the print engine, the controller having a processor and a memory storing programming for making perceptually uniform adjustments to the color image corresponding to the adjustment controls on the computer.

Chan discloses and a printer (as taught by Moore above, Fig. 9, rendering device 938) operatively coupled to the computer (as taught by Moore above, Fig. 9, image processing system 910), the printer comprising a print engine (as taught by Moore above, xerographic print engine, par. 54) and a controller (as taught by Moore above, Fig. 9, color cast corrector 930) operatively coupled to the print engine (as taught by Moore above, xerographic print engine, par. 54), the controller (as taught by Moore above, Fig. 9, color cast corrector 930) having a processor and a memory storing programming for making perceptually uniform adjustments (Chan, determined empirically by the system designers and is prestored in the system...is set so that the adjustment color space values are adjusted in a desired manner, e.g., a perceptually uniform manner, for a given range of user adjust values, col. 5, ln. 53-61) to the color image corresponding to the

adjustment controls on the computer (as taught by Moore above, a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34; color information is transformed into L*a*b* color space, par. 50; verify proper adjustment has occurred, par. 54).

Regarding claim 39: Moore discloses a means for rendering a color image (Fig. 8, displaying 814 the image; displaying 814 the image can include displaying on a computer display, such as a CRT, LCD or other video device, par. 39); a means for (Fig. 9, color cast calculator 926 and par. 50, the color cast calculator 926 receives image portion selection information from the image portion selector 918 and from the memory color selector 924, par. 50), in response to a user selecting an adjustment to a color in the image (this selection or association indicates to the image-processing software 210 a color or chrominance the operator expects or prefers for the selected region 218, par. 28); to the color in the image (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34); and a means for rendering an adjusted color image (Fig. 9, color cast corrector 930 and par. 54, a system operator can review the output image on the display and verify that the color cast has been properly adjusted) reflecting the adjustment made to the color in the image (par. 54, a system operator can review the output image on the display and verify that the color cast has been properly adjusted).

Moore fails to specifically address a means for, in response to a user selecting an adjustment to a color in the image, making a perceptually uniform adjustment to the color in the image.

Chan discloses a means for (as taught by Moore above, Fig. 9, color cast calculator 926 and par. 50, the color cast calculator 926 receives image portion selection information from the image portion selector 918 and from the memory color selector 924, par. 50), in response to a user selecting an adjustment to a color in the image (as taught by Moore above, this selection or association indicates to the image-processing software 210 a color or chrominance the operator expects or prefers for the selected region 218, par. 28), making a perceptually uniform adjustment (Chan, a perceptually uniform color space is used so that user adjustments to an image can be made in a perceptually uniform manner, col. 5, ln. 26-28) to the color in the image (a color or chrominance the operator expects or prefers, par. 28; in terms of an L*a*b* color space, par. 29; image-processing software 210 calculates or determines a chrominance difference, error, or comparison vector 418, par. 32; pixels of the image 110 are shifted by an amount and in a direction defined by the chrominance comparison vector 418, par. 34).

7. Claims 2, 4, 6, 8, 10-11, 18, 20, 22, 24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Chan and further in view of Gruzdev et al. (hereinafter Gruzdev) (US 2003/0002095 A1).

Regarding claim 2: Moore in view of Chan satisfy all the elements of claim 1. The structural elements of apparatus claim 18 perform all of the steps of method claim 2. Thus, claim 2 is rejected for the same reasons discussed in the rejection of claim 18.

Regarding claim 4: Moore in view of Chan and further in view of Gruzdev satisfy all the elements of claim 2. The structural elements of apparatus claim 20 perform all of the steps of method claim 4. Thus, claim 4 is rejected for the same reasons discussed in the rejection of claim 20.

Regarding claim 6: Moore in view of Chan satisfy all the elements of claim 5. The structural elements of apparatus claim 22 perform all of the steps of method claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 22.

Regarding claim 8: Moore in view of Chan satisfy all the elements of claim 6. The structural elements of apparatus claim 24 perform all of the steps of method claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 24.

Regarding claim 10: Moore in view of Chan satisfy all the elements of claim 9. The structural elements of apparatus claim 26 perform all of the steps of method claim 10. Thus, claim 10 is rejected for the same reasons discussed in the rejection of claim 26.

Regarding claim 11: Moore in view of Chan and further in view of Gruzdev satisfy all the elements of claim 10. The structural elements of apparatus claim 27 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 27.

Regarding claim 18: Moore in view of Chan satisfy all the elements of claim 17. Moore further discloses rendering (corrected image can be rendered, par. 35).

Moore fails to specifically address making a perceptually uniform adjustment.

Chan discloses making a perceptually uniform adjustment (Chan, a perceptually uniform

color space is used so that user adjustments to an image can be made in a perceptually uniform manner, col. 5, ln. 26-28).

Moore in view of Chan fail to specifically address in response to a user selecting an adjustment to a second color in the adjusted image, making a perceptually uniform adjustment to the second color in the adjusted image; and rendering a second adjusted color image reflecting the adjustment made to the second color in the adjusted image.

Gruzdev discloses in response to a user selecting an adjustment to a second color in the adjusted image (second color may be chosen by an operator selecting a color from within the first image, par. 39), making a perceptually uniform adjustment (as taught by Chan above, a perceptually uniform color space is used so that user adjustments to an image can be made in a perceptually uniform manner, col. 5, ln. 26-28) to the second color in the adjusted image (second color may be selected from a stored collection of colors; and related to human perception, par. 39); rendering (as taught by Moore above, corrected image can be rendered, par. 35) a second adjusted color image (second color may be chosen by an operator selecting a color from within the first image, par. 39) reflecting the adjustment made to the second color in the adjusted image (second color may be chosen by an operator selecting a color from within the first image, par. 39) (second color may be selected from a stored collection of colors; and related to human perception, par. 39).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in response to a user selecting an adjustment to a second color in the adjusted image, making a perceptually uniform adjustment to the second color in the adjusted image; and rendering a second adjusted color image reflecting the adjustment made to the second

color in the adjusted image in order to allow the operator to modify a specific color or range of colors in an image as taught by Gruzdev (par. 18).

Regarding claim 20: Moore in view of Chan and further in view of Gruzdev satisfy all the elements of claim 18.

Moore in view of Chan fail to specifically address wherein the second color is the same as the first color.

Gruzdev discloses wherein the second color is the same as the first color (selecting a first color to be corrected, selecting a second color to replace the first color, par. 39).

Regarding claim 22: Moore in view of Chan satisfy all the elements of claim 21. Arguments analogous to those stated in the rejection of claim 18 are applicable.

Regarding claim 24: Moore in view of Chan and further in view of Gruzdev satisfy all the elements of claim 22. Arguments analogous to those stated in the rejection of claim 20 are applicable.

Regarding claim 26: Moore in view of Chan satisfy all the elements of claim 25. Arguments analogous to those stated in the rejection of claim 22 are applicable.

Regarding claim 27: Moore in view of Chan and further in view of Gruzdev satisfy all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 24 are applicable.

Allowable Subject Matter

8. **NOTE:** Examiner did not find any relevant prior art to reject claims 31-32, but there is a rejection under 35 USC 101 for these claims.

9. Claims 15-16 are allowed.

10. The following is an examiner's statement of reasons for allowance: claims 15-16 are allowed over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of said prior art which teaches:

storing a color image in an RGB color modeling space;

printing the color image;

prompting a user to select a memory color appearing in the image;

prompting the user to select an adjustment to the selected memory color;

in response to the user selecting a memory color, transforming an RGB model color value representing the selected memory color to a CEILab model color value;

in response to the user selecting an adjustment to the memory color, adjusting the CIELab model color value;

transforming the adjusted CIELab model color value to a CMYK model color value; and

printing an adjusted color image based on the CMYK model color value.

11. Moore (US 2004/0135790 A1) discloses a method for removing color cast from an image. Moore fails to specifically address the invention as claimed.

12. Chan (6,262,812) discloses an image adjusting device and method that performs image adjustment in a perceptually linear manner. Chan fails to specifically address the invention as claimed.

13. Gruzdev (US 2003/0002095 A1) discloses correction of color imbalances in digital color images and correction of the color imbalances. Gruzdev fails to specifically address the invention as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLOTTE M. BAKER whose telephone number is (571)272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlotte M Baker/
Examiner, Art Unit 2625